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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,703	03/05/2002	Jin Yong Kim	2080-3-69	2493

35884 7590 01/29/2007
LEE, HONG, DEGERMAN, KANG & SCHMADEKA
801 S. FIGUEROA STREET
12TH FLOOR
LOS ANGELES, CA 90017

EXAMINER

AGUSTIN, PETER VINCENT

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/092,703

Applicant(s)

KIM, JIN YONG

Examiner

P. Agustin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7,8 and 10-25 is/are pending in the application.
- 4a) Of the above claim(s) 11-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,8,10 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1,2,4,5,7,8 and 10-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 2, 4, 5, 7, 8 & 10-25 are now pending, with claims 11-22 withdrawn from further consideration due to a previous restriction requirement.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 5, 7 & 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Kikuta (JP 05-040663) (please refer to the machine translation).

In regard to claim 1, the admitted prior art discloses a read-only recording medium (Figure 1) containing recorded data, wherein the recorded data includes a first data type (as shown in Figure 1) the first data type including user data, wherein the first data type includes at least one error correcting code data unit (ECC Block) on which an error correction is performed, and the at least one error correcting code data unit comprises a plurality of sub-units (sector).

However, the admitted prior art does not, but Kikuta discloses: in regard to claim 1, a read-only recording medium (Drawing 1, element 1) containing recorded data, wherein the recorded data includes a first data type (abstract, constitution: "valid data") and a second data type (abstract, constitution: "invalid"), the first data type including user data, and the second data type being placed at a predetermined interval between first data types and not containing the user data, wherein a total size of the first data type and the second data type is equal to a size of a

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predetermined data unit to be used in a writable recording medium, which writable recording medium is a counterpart of the read-only recording medium, the predetermined data unit including user data and invalid data (abstract, constitution: "Both invalid and valid data are written into each area of a CD-ROM 1 and the areas of a magnetic disk 2 corresponding to those areas of the CD-ROM 1 respectively"); in regard to claim 2, that the read-only recording medium comprises a lead-in area (inherent in the "CD-ROM" of Kikuta), a main data area (interpreted as the area in the disk 1 where the "valid" and "invalid" data area is recorded) and a lead-out area (inherent in the "CD-ROM" of Kikuta), wherein the first and second data types are located at the main data area of the read-only recording medium; in regard to claim 4, that the second data type includes an invalid data (abstract, constitution, line 1), wherein a size of the second data type is equal to that of the invalid data of the predetermined data unit to be used in the writable recording medium (abstract, constitution, lines 1-4); in regard to claim 5, that the second data type is preceded or followed by the first data type areas (understood from the abstract); and in regard to claim 7, that a size of the second data type is equal to that of the invalid data to be allocated intermittently in the user data of a writable recording medium (abstract, constitution, lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time of invention by the Applicant to have applied the teachings of Kikuta to the read-only recording medium of the admitted prior art, the motivation being to eliminate timing problems caused by the difference of data reading speeds between a read-only medium and a recordable/rewritable medium (see abstract-purpose).

Furthermore, Figure 1 of the admitted prior art disclose: in regard to claim 25, that the sub-unit is a sector (as shown in Figure 1). However, Figure 1 of the admitted prior art do not disclose: in regard to claim 23, that the second data type has a length of 2K bytes or less; and in regard to claim 24, that the second data type has a same size as one sub-unit.

However, Figure 2 of the admitted prior art disclose: in regard to claim 23, a second data type (see also page 3, last paragraph thru page 4, first paragraph: "linking loss area") having a length of 2K bytes or less; and in regard to claim 24, that the second data type has a same size as one sub-unit (note that one sector of Figure 1 is 2kB).

It would have been obvious to one of ordinary skill in the art at the time of invention by the Applicant to have applied the teachings of Figure 2 of the admitted prior art to the medium based on the combination of Figure 1 of the admitted prior art and Kikuta, the motivation being to provide sufficient buffering, thereby preventing erroneous reproduction of data (page 4, second paragraph).

4. Claims 8 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art and Kikuta as applied to claim 1 above, and further in view of Kamoto et al. (US 5,708,649).

For a description of the admitted prior art and Kikuta, see the rejection above. However, the admitted prior art and Kikuta do not, but Kamoto et al. disclose: in regard to claim 8, that a data of a predetermined pattern is formed in the second data type repeatedly (column 8, lines 47-48: "pre-pits formed on a reproduced CD-ROM"); and in regard to claim 10, that the data of the predetermined pattern is used for servo-control (column 8, lines 46-47: "tracking error signal is generated by the reproduction of pre-pits").

It would have been obvious to one of ordinary skill in the art at the time of invention by the Applicant to have applied the teachings of Kamoto et al. to the medium of the admitted prior art and Kikuta, the motivation being to prevent erroneous tracking (a well-known purpose of servo control), thereby maintaining accurate reproduction of data.

Response to Arguments

5. Applicant's arguments filed on January 5, 2007 have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to P. Agustin whose telephone number is 571-272-7567. The examiner can normally be reached on Monday-Thursday 8:30-6:30 PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P. Agustin
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TAN DINH
PRIMARY EXAMINER
11/8/07